

REMARKS

Claims 1-13 and 15-51 were rejected under 35 U.S.C. § 102(e) as being anticipated by Oshizawa et al. Claim 14 was rejected under 35 U.S.C. § 103 as being unpatentable over Oshizawa et al. Applicant respectfully traverses both rejections. The standards for anticipation and obviousness are set forth in the previous Response.

Applicant appreciates the telephonic interview with the Examiner on 26 August 2003 at which time the Oshizawa et al. reference was discussed. The interview focused on the scope of the disclosure of the Oshizawa et al. reference. Applicant opined during the interview, and the Examiner verbally agreed, that Oshizawa et al. does not show bi-directional communication. Specifically, Figure 1 only shows receipt of information by the radio of the vehicle, and does not show a requesting step as recited in independent claims 1, 20, 26, 32, 41, and 51. As such, these claims are not anticipated by Oshizawa et al. Likewise, the claims that depend therefrom are not anticipated or rendered obvious.

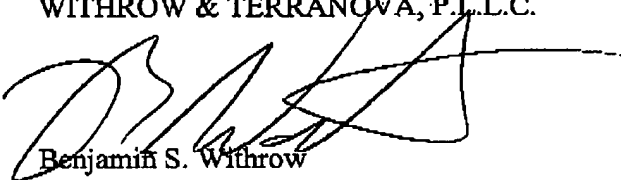
While not discussed during the interview, a similar argument exists for claims 27 and 37 which recite that the user's cellular phone is used. Oshizawa et al. does not disclose a cellular phone. The Patent Office alleges, on page 2 of the Office Action, that because Oshizawa et al. uses RF frequency technology, cellular technology is disclosed and points to paragraph 14. Applicant respectfully traverses this finding. Paragraph 14 indicates that FM radio technology is used. While FM and cellular frequencies are both in the radio frequency portion of the electromagnetic spectrum, one of ordinary skill in the art would not equate FM radio frequencies (88.1 MHz to 107.9 MHz) with cellular frequencies (800 MHz and 1900 MHz). The technologies underlying broadcast radio transmissions and cellular communications are different, and under the strict standard of an anticipation analysis, the reference does not show the claim element. Further, implicit in the cellular telephone claim element is a requirement for bi-directional communication, which the Patent Office admits is not present in Oshizawa et al. To this extent, claims 27 and 37, and the claims that depend therefrom, are not anticipated.

In light of the above remarks, Applicant requests that the rejections of claims 1-51 in light of Oshizawa et al. be withdrawn. Applicant further requests a withdrawal of the finality of the previous response. Applicant understands that a new search will be performed and awaits the results thereof. Applicant respectfully requests claim allowance at the Examiner's earliest convenience.

Respectfully submitted,

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